

Message Text

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ORIGIN EUR-12

INFO OCT-01 ISO-00 SSO-00 NSCE-00 USIE-00 INRE-00 AID-05

CEQ-01 CIAE-00 OFA-01 COME-00 DODE-00 EB-07 EPA-04

INR-07 IO-10 L-02 NSF-02 NSC-05 NSAE-00 PM-03 OES-05

SS-15 SP-02 FEA-01 ACDA-10 AGR-10 CEA-01 CG-00

CIEP-02 DLOS-05 DOTE-00 ERDA-07 FMC-02 H-02 INT-05

JUSE-00 OMB-01 PA-02 PRS-01 /131 R

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EUR/CAN:EMBROWN (DRAFT)

EUR/CAN:LFJANOWSKI (DRAFT)

L/OES:JRCROOK (DRAFT)

D/LOS:OESKIN (DRAFT)

OES/ENP:CHERTER (SUBS)

EB/ORF:JKATZ (SUBS)

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FM SECSTATE WASHDC

TO AMEMBASSY OTTAWA IMMEDIATE

UNCLAS STATE 055561

E.O. 11652: N/A

TAGS: CA, SENV

SUBJECT: EASTPORT REFINERY

FOLLOWING IS TEXT OF DEPARTMENT'S AIDE-MEMOIRE OF MARCH 12
ON EASTPORT REFINERY:

QUOTE THE DEPARTMENT OF STATE HAS TAKEN NOTE OF THE POINTS
EXPRESSED IN THE GOVERNMENT OF CANADA'S AIDE-MEMOIRE OF
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MARCH 6, 1975.

THE DEPARTMENT OF STATE UNDERSTANDS THAT THE GOVERNMENT OF CANADA DID NOT WISH THE DEPARTMENT TO COMMUNICATE THIS FURTHER EXPRESSION OF CANADA'S VIEWS TO THE MAINE ENVIRONMENT PROTECTION BOARD AT THIS LATE STAGE OF THE BOARD'S INTERNAL PROCEEDINGS. THE DEPARTMENT NOTES THAT, AS REQUESTED, EARLIER EXPRESSIONS OF CANADA'S VIEWS WERE TRANSMITTED BY THE DEPARTMENT TO THE BOARD DURING THE FACT-FINDING STAGE OF ITS DELIBERATIONS. FOR THIS REASON, THE DEPARTMENT HAS NOT COMMUNICATED THE EMBASSY'S AIDE-MEMOIRE TO THE BOARD.

THE PROCEEDINGS BEFORE THE MAINE ENVIRONMENTAL PROTECTION BOARD DEMONSTRATE THAT THE STATE OF MAINE IS COGNIZANT OF THE ENVIRONMENTAL RISKS INVOLVED IN THE TRANSPORT OF

BOTH CRUDE OIL AND OIL PRODUCTS THROUGH THE WATERS OF THE STATE OF MAINE. THE GOVERNMENT OF THE UNITED STATES OF AMERICA IS ALSO FULLY COGNIZANT OF THESE HAZARDS. HYDRO-CARBON POLLUTION OF THE MAINE COAST AND ITS DELICATE ECOLOGY WOULD BE A MOST SERIOUS MATTER, AND THERE SHOULD BE NO REASON FOR THE CANADIAN AUTHORITIES TO ASSUME THAT THE AUTHORITIES IN THE UNITED STATES WOULD SUBJECT EITHER WATERS OF THE STATE OF MAINE OR NEARBY CANADIAN WATERS TO ANY UNACCEPTABLE RISK OF SUCH POLLUTION. THE STATE OF MAINE AND THE UNITED STATES GOVERNMENT HAVE ALREADY ACTED RESPONSIBLY IN THIS REGARD IN MANY RESPECTS, INCLUDING THE TRANSIT OF PETROLEUM THROUGH THE PORT OF PORTLAND DESTINED FOR CANADA. BASED ON THIS EXPERIENCE THERE IS EVERY REASON TO BELIEVE THAT THE AUTHORITIES IN THE UNITED STATES CHARGED WITH THE PROTECTION OF THE ENVIRONMENT WILL EXERCISE ALL DUE PRUDENCE IN RESPECT TO THE MOST SENSITIVE ECOLOGY OF THE COASTLINE IN THE AREA IN QUESTION.

THE GOVERNMENT OF THE UNITED STATES OF AMERICA HAS TAKEN NOTE OF THE VIEWS OF THE GOVERNMENT OF CANADA PREVIOUSLY EXPRESSED ABOUT THE TRANSIT THROUGH HEAD HARBOUR PASSAGE OF VERY LARGE CRUDE CARRIERS. THE GOVERNMENT OF CANADA'S AIDE-MEMOIRE OF MARCH 6 GOES CONSIDERABLY BEYOND UNCLASSIFIED

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THE VIEWS PREVIOUSLY EXPRESSED BY THE GOVERNMENT OF CANADA, HOWEVER, AND NOW SPEAKS OF LIMITATIONS ON THE AMOUNT OF OIL AND/OR OIL PRODUCTS THAT MAY BE CARRIED THROUGH THE WATERS OF HEAD HARBOUR PASSAGE." IN THIS CONNECTION THE VIEW OF THE UNITED STATES GOVERNMENT IS THAT VESSELS PROCEEDING TO OR DEPARTING FROM UNITED STATES PORTS THROUGH THE WATERS OF HEAD HARBOUR PASSAGE ENJOY THE RIGHT OF INNOCENT PASSAGE UNDER INTERNATIONAL LAW. THIS RIGHT IS

NOT SUBJECT TO UNREASONABLE OR ARBITRARY INTERFERENCE OR
SUSPENSION. UNQUOTE. INGERSOLL

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To: OTTAWA
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Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006